

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA &
STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL
SERVICES,

Plaintiffs,

v.

MCCORD CORP.,

Defendant.

Civil No. 1:22-cv-289-SM

JOINT MOTION FOR ENTRY OF ORDER UNDER FEDERAL RULE OF EVIDENCE

502

The Parties have negotiated and agreed to the terms of an Order under Rule 502 of the Federal Rules of Evidence (hereinafter FRE 502 Order, or Order). This FRE 502 Order will govern in the event that a Party discloses information during discovery that the Party subsequently asserts should be considered privileged and seeks to claw back. This Order replaces the provisions of Federal Rule of Evidence 502(b) and invokes the protections of Federal Rule of Evidence 502(d) and Rules 16(b) and 26(c) of the Federal Rules of Civil Procedure. The Parties believe that entry of this Order will promote efficiency by establishing a clear procedure for invoking privilege over previously produced documents during this litigation. In accordance with the Court's November 29, 2022 Order regarding the Parties' Joint Discovery Plan, the Parties respectfully request Court to enter this FRE 502 Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed today through the CM/ECF system,
which automatically provides a digital copy of it to all attorneys of record.

/s/ Natalie G. Harrison

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